

**CIVIL PROCEDURE FORM NO. 8-A(2)****IN THE 13<sup>th</sup> JUDICIAL CIRCUIT, BOONE COUNTY, MISSOURI**

Judge or Division: <b>Jodie Capshaw Asel</b>	<b>Circuit Court Case Number: 16BA-CV00074</b>	
Plaintiff/Petitioner:  <b>Jennifer Henderson</b>	Appellate Number:	<input type="checkbox"/> Filing as an Indigent
	Date of Judgment/Decree/Order: <b>(ATTACH A COPY)</b> 2/19/2019	Court Reporter: <b>Julia Hunt</b>
	Date Post Trial Motion Filed:	<input type="checkbox"/> Sound Recording Equipment
Defendant/Respondent:  <b>Business Loop Community Improvement District</b>	Date Ruled Upon:	The Record on Appeal will consist of: __X__ Legal File only or ____ Legal File and Transcript

(Date File Stamp)

**Notice of Appeal to Missouri Court of Appeals – Civil**District: **XX Western** ☐ Eastern ☐ Southern

Notice is given that Jennifer Henderson appeals from the judgment/decreed/order entered in this action on February 19, 2019.

Appellant's Name (If multiple, list all or attach additional pages)  <b>Jennifer Henderson</b>	Respondent's Name (If multiple, list all or attach additional pages)  <b>Business Loop Community Improvement District</b>
Address  <b>306 N. William Street, Apt. 103 Columbia, MO 65201</b>	Address  <b>601 Business Loop 70 West #128, Columbia, MO 65203</b>
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages)  <b>Richard C. Reuben, Mo. Bar No. 63665</b>	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages)  <b>R. Caleb Colbert, MO Bar No. 62806</b>
Address  <b>University of Missouri School of Law 308 Hulston Hall Columbia, MO 65211</b>	Address  <b>Brown Willbrand, P.C. 601 E. Broadway, Ste. 203 Columbia, MO 65205</b>
E-mail Address <b>ReubenR@missouri.edu</b>	E-mail Address <a href="mailto:ccolbert@brownwillbrand.com">ccolbert@brownwillbrand.com</a>
Telephone <b>573-884-5204</b>	Telephone <b>573-442-3181</b>

Brief Description of Case (May be completed on a separate page)

Contestant challenged the legality of Contestee's December 2015 sales tax election, decided by one vote. She alleged it violated the Missouri Constitution's requirement of a secret ballot and an impartial election, and the requirements of Missouri's General Election Statute, Chapter 115, for notice of election (only 10 days) and the administration of a mail-in election. It also sought a declaratory judgment holding the state Community Improvement District Act unconstitutional as applied if it permits a CID to conduct a sales tax election in violation of these rules.

The circuit court dismissed the action in its entirety for lack of subject matter jurisdiction and dismissed the case without prejudice. The trial court later repeatedly denied Contestant's motion to convert the order of dismissal to an appealable final judgment. The Missouri Supreme Court issued a Writ of Mandamus directing the trial court to find jurisdiction or enter a final appealable judgment. The trial court entered judgment dismissing Contestant's sales tax election contest for lack of subject matter jurisdiction. This appeal seeks review of that judgment.

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)

1. Whether a Missouri circuit court has subject matter jurisdiction to hear a contest to a sales tax election conducted by community improvement district?
2. Whether a Missouri Circuit court of proper venue has the authority to order a new election under Missouri Revised Statutes Section 115.593?

Signature of Attorney or Appellant  
/s/ Richard C. Reuben

Date  
February 19, 2019

**Certificate of Service on Persons other than Registered Users of the Missouri eFiling System**

I certify that on \_\_\_\_\_ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Appellant or Attorney for Appellant

### Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

### Memorandum of the Clerk

Email

I have this day served a copy of this notice by ☒ regular mail ☐ registered mail ☐ certified mail ☐ facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

Clerk emailed notice of appeal to Western District Court of Appeals  
this date.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, Western District.

☒ Docket fee in the amount of \$70.00 was received by this clerk on 02/28/2019 (date) which will be disbursed as required by statute.

☐ No docket fee was received because:

☐ a docket fee is not required by law under \_\_\_\_\_ (cite specific statute or other authority).

☐ a motion to prosecute the appeal in forma pauperis was received on \_\_\_\_\_ (date) and was granted on \_\_\_\_\_ (date).

02/28/2019  
Date

/s/Tammy Grimes  
Clerk

## Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
	James R. Layton
Address	Address
	34 N. Meramec Ave., Ste. 600
City, State, Zip Code	City, State, Zip Code
	St. Louis, MO 63015
	E-mail Address
	<a href="mailto:JLayton@TuethKeeney.com">JLayton@TuethKeeney.com</a>
	Telephone
	(314) 880-3619
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone